

1 *E-filed on* 6/13/07

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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION  
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12 IN RE CYGNUS TELECOMMUNICATIONS  
13 TECHNOLOGY, LLC, PATENT  
14 LITIGATION

15 CYGNUS TELECOMMUNICATIONS  
16 TECHNOLOGY, LLC,

17 Plaintiff,

18 v.

19 INTERNATIONAL TELECOM LTD., et al.,

20 Defendants.

No. MDL-1423  
This Judgment Applies to:

C-02-00145 RMW

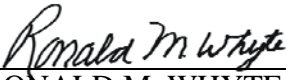
**AMENDED JUDGMENT**

21 On March 30, 2007, pursuant to its Claim Construction Order and Orders on Various  
22 Summary Judgment Motions dated March 29, 2007, the court purported to enter final judgment  
23 declaring that the patents-in-suit, U.S. Patent No. 5,883,964 and U.S. Patent No. 6,035,027, are  
24 invalid under the on-sale bar of 35 U.S.C. § 102(b) and that defendant International Telecom Ltd.  
25 does not infringe either patent.

26 The court's judgment did not address the remaining declaratory judgment counterclaims  
27 brought by defendant International Telecom Ltd. against plaintiff seeking declarations that the  
28 patents are invalid under 35 U.S.C. §§ 102, 103 and 112 and that the patents are not enforceable due

1 to inequitable conduct and breach of the duty of candor to the patent office. The court inadvertently  
2 failed to include a direction for final entry of judgment pursuant to Fed. R. Civ. P. § 54(b) on the  
3 claims resolved. Therefore, the court hereby directs that final judgment be entered: (1) declaring the  
4 '964 and '027 patents invalid based upon the on-sale bar; and (2) adjudging that plaintiff take nothing  
5 on its claim of patent infringement. The court expressly determines that there is no just reason for  
6 delay in the entry of final judgment because the remaining counterclaims have been rendered moot  
7 and will only become ripe for decision if this judgment is reversed.

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9 DATED: 6/13/07

  
\_\_\_\_\_  
RONALD M. WHYTE  
United States District Judge

1 A copy of this judgment was mailed on 6/13/07 to:

2 **Counsel for Plaintiff:**

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8 **Courtesy Copy:**

9 Clerk of the Panel on Multidistrict Litigation  
10 Thurgood Marshall Federal Judiciary Building  
One Columbus Circle, N.E.  
11 Room G-255, North Lobby  
Washington, DC 20002-8004

12 Counsel is responsible for distributing copies of this order to co-counsel, as necessary.  
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